

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

LYLE DAN MONTGOMERY,)
)
Petitioner,)
)
v.) Case No: 2:14-cv-2474-CLS-SGC
)
STATE OF ALABAMA, *et al.*,)
)
Respondents.)

MEMORANDUM OPINION

This is an action on a petition for a writ of *habeas corpus*¹ and amended petition for writ of *habeas corpus*² filed pursuant to 28 U.S.C. § 2254 by Lyle Dan Montgomery, an Alabama state prisoner proceeding *pro se*. The magistrate judge to whom the case was referred entered a Report and Recommendation on April 12, 2019, recommending that Montgomery's original petition be denied as time-barred, and that the amendments to his petition be denied on the merits.³ Petitioner did not file an objection to the Report and Recommendation.⁴

Having carefully reviewed and considered *de novo* all the materials in the court file, the court is of the opinion that the magistrate judge's findings are due to be, and

¹ Doc. no. 1.

² Doc. no. 12.

³ Doc. no. 27 (Report and Recommendation).

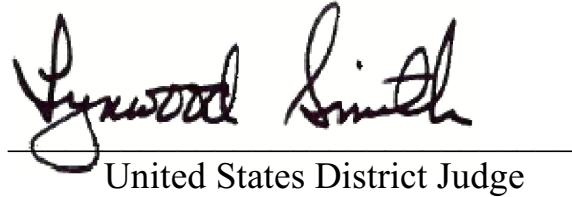
⁴ See *id.* at 39-41 (allowing 14 calendar days for objections).

they hereby are, ADOPTED, and her recommendation is ACCEPTED. As a result, the original and amended petitions for writ of *habeas corpus* are due to be denied, and this action will be dismissed with prejudice.

Further, because the petition and amended petition do not present issues that are debatable among jurists of reason, a certificate of appealability is also due to be denied. *See* 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000); Rule 11(a), Rules Governing § 2254 Proceedings.

A separate Final Order will be entered.

DONE this 17th day of May, 2019.



United States District Judge